



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE
2006.0067

May 15, 2006

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Comments of the Pennsylvania Public Utility Commission in the Matter
of Numbering Resource Optimization Order and Fifth Further Notice of
Proposed Rulemaking at CC Docket No. 99-200

Dear Secretary:

Please find attached for filing one copy of the Pennsylvania Public
Utility Commission's Comments concerning in the Matter of Numbering
Resource Optimization Order and Fifth Further Notice of Proposed
Rulemaking at CC Docket No. 99-200.

If you have any questions concerning this filing, please contact me at
717-772-0694 or loburns@state.pa.us.

Sincerely,

/s/

Lois A. Burns
Assistant Counsel

Attachment

Cc: Sheryl Todd, Telecommunications Access Policy Division

Federal Communications Commission

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Petition of the West Virginia Public)	
Service Commission for Expedited)	
Decision for Authority to Implement)	
Additional Number Conservation)	
Measures)	
)	
Petition of the Nebraska Public)	
Service Commission for Expedited)	
Decision for Authority to Implement)	
Additional Number Conservation)	
Measures)	
)	
Petition of the Oklahoma Corporation)	
Commission for Expedited Decision)	
for Authority to Implement Additional)	
Number Conservation Measures)	
)	
Petition of the Michigan Public Service)	
Commission for Additional Delegated)	
Authority over Numbering Resource)	
Conservation Measures)	
)	
Petition of the Missouri Public Service)	
Commission for Additional Delegated)	
Authority over Numbering Resource)	
Conservation Measures)	

**COMMENTS OF THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

INTRODUCTION

The Pennsylvania Public Utility Commission (PAPUC) hereby files the following comments concerning the Fifth Further Notice of Proposed Rulemaking (FNPRM) in the Federal Communications Commission's (FCC) above-captioned proceeding.¹ In its Fifth FNPRM regarding numbering optimization, the FCC is seeking comment on whether it should extend mandatory pooling by permitting the states delegated authority to implement 1K pooling at their discretion. The FCC also requests comments on whether it should continue to review petitions from the states for authority to extend mandatory 1K pooling to new NPAs on a case-by-case basis. In advocating a case-by-case review of state petitions, the FCC requests comments on proposed criteria for such review.

Also, the FCC is seeking comment on whether it should grant authority for mandatory 1K pooling based primarily on the remaining life of the NPA. The FCC requests that commenters address whether special circumstances would be a more appropriate criterion.

In addition, the FCC is seeking comment on whether pooling should be extended to all rate centers using a phased implementation schedule. In the Fifth FNPRM, the FCC suggests that it could initially expand pooling to NPAs that are within three years of exhaust and continue to expand pooling to other NPAs as they reach a certain state of exhaust.

¹ *In the Matter of Numbering Resource Optimization, Order and Fifth Further Notice of Proposed Rulemaking*, CC Docket No. 99-200 (Order released February 24, 2006).

For the reasons set forth below, the PAPUC supports pooling in all rate centers so that the number optimization benefits of 1K pooling can be achieved on a national basis. Specifically, the PAPUC urges the FCC to extend mandatory pooling by permitting the states delegated authority to implement 1K pooling at their discretion so that numbering resources are used efficiently and result in significantly extending the lives of NPAs and the North American Numbering Plan (NANP). Alternatively, the PAPUC supports the FCC extending mandatory pooling to all rate centers using a phased implementation schedule. Regardless of the method implemented by the FCC to achieve 1K pooling in all rate centers, the PAPUC respectfully requests that the FCC act promptly in order that area codes do not prematurely exhaust.

COMMENTS

The PAPUC submits that the FCC should extend mandatory pooling to rate centers outside the top 100 MSAs by permitting the states delegated authority to implement 1K pooling at their discretion. By permitting states to expand pooling outside the top 100 MSAs, the FCC will continue to enforce its long-standing policies concerning the need for and benefits of numbering optimization strategies, especially 1K pooling.² In addition, expansion of pooling to rate centers located outside of the top 100 MSAs results in

² *In the Matter of Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 99-200, 15 FCC Rcd 7574 (2000).

extending the life of area codes. In support of this position, the PAPUC has implemented 1K pooling in rate centers outside of the top MSAs as permitted by the FCC in its national rollout of 1K pooling in 2002.³ In doing so, Pennsylvania has optimized numbering resources in the 814 NPA resulting in significantly extending the life of this area code.

Pennsylvania's 814 NPA is a voluntary pool delegated by the FCC and implemented in accordance with the FCC's rules and industry pooling guidelines.

Currently, Pennsylvania's 814 area code has 178 rate centers, 129 of them are in pooling.⁴ Eight of the rate centers are mandatory pooling areas because they are located in the Pittsburgh, PA or Youngstown-Warren-Boardman, OH-PA MSAs. The other 121 pooling rate centers, located outside of these two MSAs, are designated optional pooling rate centers as agreed to by the telecommunications industry in August 2002 and March 2004 at Neustar, Inc.'s (Neustar) Pooling Implementation Meetings.⁵ In addition, there are approximately 18 carriers participating in the 814 NPA pool.

In implementing 1K pooling in rate centers located outside the Pittsburgh, PA and Youngstown-Warren-Boardman, OH-PA MSAs, the 814 NPA has experienced the efficient use of numbering resources and the

³ In November 2002, 1K pooling was implemented in the 814 NPA in accordance with the FCC's national rollout of thousands-block pooling. The 814 NPA 1K pool is voluntary as directed by the FCC. *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, ¶¶1-10 (Order adopted April 24, 2002).

⁴ See www.nationalpooling.com.

⁵ See Minutes from First and Supplemental Implementations Meetings at www.nationalpooling.com.

benefits of numbering optimization. Specifically, the life of the 814 NPA has been significantly extended through the operation of 1K pooling in a large number of rate centers located outside of the two top 100 MSAs. This result is demonstrated through the history of area code relief for the 814 NPA.

In March 2002, the telecommunications industry agreed to recommend to the Pennsylvania Commission an all services distributed overlay⁶ because the 814 NPA was predicted to exhaust in 1Q2005.⁷ Shortly thereafter, in April 2002, the FCC included the 814 area code in its national thousands-block pooling schedule as a voluntary pool.⁸ Because of this inclusion, Neustar convened a pooling implementation meeting in August 2002 to establish the voluntary pool that was comprised of an initial 119 rate centers in the 814 NPA. The voluntary pool was implemented in November 2002.⁹

Within six months of the implementation of 1K pooling in the 814 NPA, the life of the 814 area code was extended two years - from 1Q2005 to 3Q2007.¹⁰ A year later, or April 2004, the projected exhaust date for the 814 area code was extended another two years or until 4Q2009.¹¹ Again, in

⁶ See Neustar's April 26, 2002 meeting minutes regarding relief for the 814 NPA at www.nanpa.com.

⁷ See Neustar's January 23, 2002 notice to the telecommunications industry regarding planning meeting for area code relief for the 814 NPA at www.nanpa.com.

⁸ *In the Matter of Numbering Resources Optimization*, CC Docket No. 99-200 (Order adopted April 24, 2002).

⁹ In November 2002, 1K pooling was implemented in the 814 NPA in accordance with the FCC's national rollout of thousands-block pooling. *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, ¶¶1-10 (Order adopted April 24, 2002).

¹⁰ In May 2003, Neustar published the 2003 NRUF and NPA exhaust analysis which indicated that the 814 NPA was predicted to exhaust in third quarter 2007. See www.nanpa.com.

¹¹ 2004 NRUF and NPA Exhaust Analysis issued April 2004. See www.nanpa.com.

October 2005, the 814 NPA projected exhaust date was extended to 3Q2010.¹² Most recently, the 2006 NPA Exhaust Analysis shows that the life of the 814 area code has been extended to 1Q2011.¹³

Given that no other numbering optimization strategy except reclamation was implemented in the 814 NPA since November 2002, the impact of 1K pooling in Pennsylvania's 814 NPA clearly demonstrates that pooling in rate centers outside the top 100 MSAs efficiently uses numbering resources and extends the life of NPAs. The PAPUC urges the FCC to continue to maximize the benefits of pooling by requiring the greatest number of rate centers and carriers to pool numbering resources by permitting the states, at their discretion, to mandate 1K pooling in rate centers located outside the top 100 MSAs.

The PAPUC also urges the FCC to delegate authority to the states as a whole rather than reviewing individual state petitions to mandate 1K pooling in rate centers located outside the top 100 MSAs. First, the PAPUC submits that a blanket delegation of authority to all states would be more expeditious and would permit the states to maximize current numbering resources. Otherwise, a case-by-case basis review process would possibly require the FCC to review numerous petitions from each state. This process would bog down the FCC and be cumbersome and time-consuming both for the Commission and the individual states. In addition, as the FCC is reviewing

¹² 2005 NRUF and NPA Exhaust Analysis issued October 31, 2005. *See* www.nanpa.com.

¹³ 2006 NRUF and NPA Exhaust Analysis issued April 30, 2006. *See* www.nanpa.com.

various state petitions on an individual basis, the time lag may result in area codes exhausting prematurely.

Second, the PAPUC submits that a wholesale delegation of authority to the states permits the states to assess the need for 1K pooling in additional rate centers within their area codes on an as-needed basis. The PAPUC's experience in the 814 NPA demonstrates that continuous monitoring and assessment of current numbering resources dictates whether the present 1K pool continues to be beneficial.¹⁴ In June 2005, the telecommunications industry postponed the decision to file a petition for area code relief for the 814 NPA because the area code's current numbering resources satisfied the needs of the 1K pool and NXX code assignment. However, if the 814 area code would begin to deplete numbering resources, delegation of authority to the states to expand 1K pooling would be beneficial so that the PAPUC could work with the telecommunications industry to further expand the 814 NPA pool so that carriers continue to receive adequate numbering resources in a timely manner. At the same, the expansion of the 1K pool in the 814 NPA would result in extending the life of the NPA as demonstrated above.

Also, it would be beneficial for the PAPUC to be permitted to expand pooling in other NPAs in Pennsylvania on an as-needed basis. Currently,

¹⁴ For example, for the past three years, the PAPUC, Neustar and the telecommunications industry meet annually to determine if and when area code relief may be necessary for the 814 NPA in Pennsylvania. All of the participants review the status of the 814 NPA pool and the NXX code assignment activity for the area code to determine whether the area code is ripe for relief. *See* 2002-2005 Meeting Minutes to Address Pending Filing of the Petition for Approval of the 814 NPA Relief Plan at www.nanpa.com.

Pennsylvania has nine implemented area codes – 215/267, 610/484, 717, 570, 412, 724 and 814. The 215/267 and 412 area codes have mandatory 1K block pooling in all rate centers because the rate centers are located within the top 100 MSAs. However, the remaining area codes have many rate centers that are not pooling since they fall outside of the top 100 MSAs. As these area codes deplete current numbering resources, it would be beneficial to the PAPUC to be permitted to expand pooling so that carriers receive numbering resources in a timely manner while avoiding the time consuming and costly effects of area code relief.

Alternatively, the PAPUC supports the FCC permitting states to expand mandatory 1K pooling based primarily on the remaining life of the NPA. The PAPUC submits that NPAs closest to exhaust should be considered first for expanded pooling. At the same time, the PAPUC recommends that additional area codes that are, at least, three years from exhaust should be considered for expanded 1K pooling. The three-year criterion would permit state commissions to implement pooling in rate centers located outside the top 100 MSAs before the mandatory 36 month area code relief planning schedule as articulated in the INC Guidelines¹⁵ is triggered.

Further, if the FCC determines that a phased implementation schedule is the preferred method to expand pooling to additional rate centers,

¹⁵ *NPA Code Relief Planning and Notification Guidelines*, ATIS-0300061, January 13, 2006, §§1.0 *et seq.*

the PAPUC encourages the FCC to phase in the implementation of 1K pooling in rate centers located outside the top 100 MSAs in area codes that are in jeopardy or closest to exhaust. The PAPUC also encourages the FCC to phase in its implementation of mandatory 1K pooling in rate centers located outside the top 100 MSAs in area codes that are, at least, three years from exhaust so that state commissions can implement this numbering optimization strategy before the mandatory 36 month area code relief planning schedule is in effect. In mandating the expansion of pooling, the FCC will continue to enforce its long-standing policies concerning the need for and benefits of numbering optimization strategies including 1K pooling.

Finally, the PAPUC urges the FCC to make a determination to expand 1K pooling to rate centers outside the top 100 MSAs in a timely fashion. As demonstrated in these comments, the PAPUC submits that quick action by the FCC will result in significantly extending the lives of the nation's area codes and the North American Numbering Plan (NANP).

CONCLUSION

For the reasons set forth above, the PAPUC urges the FCC to delegate to states the authority to extend mandatory pooling to rate centers outside the top 100 MSAs at their discretion so that numbering resources are used efficiently and result in significantly extending the lives of NPA's and the North American Numbering Plan (NANP). Alternatively, the PAPUC

supports the FCC extending mandatory pooling to all rate centers using a phased implementation schedule.

Regardless of the method implemented by the FCC to achieve 1K pooling in all rate centers, the PAPUC respectfully requests that the FCC act promptly in order that area codes do not prematurely exhaust.

Respectfully submitted,

PENNSYLVANIA PUBLIC
UTILITY COMMISSION

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Dated: May 15, 2006